

Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN A. MILLER,

Defendant.

No. CR14-5175

PLEA AGREEMENT

The United States of America, by and through Jenny A. Durkan, United States Attorney for the Western District of Washington, and Katie T. Dang, Special Assistant United States Attorney for said District, and the defendant, STEVEN A. MILLER, and defendant's attorney, Philip I. Brennan, Jr., enter into the following Plea Agreement, pursuant to Rule 11(c), Federal Rules of Criminal Procedure.

1. The defendant shall enter a plea of guilty to Count II of the Information. The defendant understands that Count II of the Information charges a violation of 18 U.S.C. § 1382 (Trespassing). The government will move to dismiss Count I of the Information.

2. Statutory Penalties. The defendant understands and acknowledges that the statutory penalties for Count II of the Information are imprisonment for up to six (6) months, a fine of up to five thousand dollars (\$5,000.00), and a mandatory ten dollar (\$10.00) special assessment.

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Special Assistant United States Attorney
Office of the Staff Judge Advocate
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Joint Base Lewis-McChord, WA 98433-9500
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1 If the defendant receives a sentence of probation, the probationary period could be
2 up to five (5) years.

3 3. Rights Waived by Pleading Guilty. The defendant understands and
4 acknowledges that by pleading guilty, the defendant knowingly and voluntarily waives
5 the following rights:

- 6 a. The right to plead not guilty, and to persist in a plea of not guilty;
7 b. The right to be presumed innocent until guilt has been established at
8 trial, beyond a reasonable doubt;
9 c. The right to trial before a judge, and at that trial, the right to the
10 effective assistance of counsel;
11 d. The right to confront and cross-examine witnesses against the
12 defendant;
13 e. The right to compel or subpoena witnesses to appear on the
14 defendant's behalf;
15 f. The right to testify or to remain silent at trial at which such silence
16 could not be used against the defendant; and
17 g. The right to appeal a finding of guilty or any pretrial rulings.

18 4. Applicability of Sentencing Guidelines. The defendant understands and
19 acknowledges that the Guidelines do not apply to this case.

20 5. Ultimate Sentence. The defendant acknowledges that no one has promised
21 or guaranteed what sentence the Court will impose and that the defendant may not
22 withdraw a guilty plea solely because the sentence imposed by the Court may be different
23 from the recommendation of the government.

24 6. Sentencing Recommendation. At the time of sentencing, the parties will
25 jointly recommend no jail time, a fine of one hundred dollars (\$100.00), and the
26 mandatory ten dollar (\$10.00) special assessment.

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1 7. Statement of Facts. The parties stipulate to the following facts in support of
2 the guilty plea:

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4 On January 29, 2014, at Joint Base Lewis-McChord, Washington,
5 within the Western District of Washington and within the special maritime
6 and territorial jurisdiction of the United States, police patrolling a training
7 area, a location of the base that is off-limits to non-military personnel,
8 observed a parked vehicle with two men sitting in it. The officers
9 approached the car and identified themselves as Joint Base Lewis-McChord
10 police officers, and explained to the two men that they were on base
11 property and that they needed a pass to be there. The men were identified
12 as STEVEN A. MILLER, the defendant, and Joshua M. Stuhlmiller. The
13 defendant was unable to provide an area access pass or a military
14 identification card. The defendant was cited and released.

15 8. Acceptance of Responsibility. The United States acknowledges that
16 defendant has assisted the United States by timely notifying the authorities of defendant's
17 intention to plead guilty, thereby permitting the United States to avoid preparing for trial
18 and permitting the Court to allocate its resources efficiently.

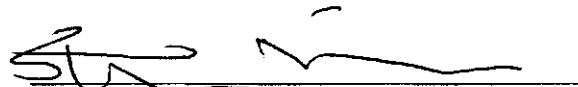
19 9. Voluntariness of Plea. Defendant acknowledges that he/she has entered
20 into this Plea Agreement freely and voluntarily, and that no threats or promises, other
21 than the promises contained in this Plea Agreement, were made to induce the defendant
22 to enter this plea of guilty.

23 10. Immigration Consequences. Defendant understands that, if a non-citizen of
24 the United States, entering a guilty plea may have consequences regarding immigration
25 status. Certain crimes are deportable offenses, and a plea of guilty to any such crime may
26 subject defendant to automatic deportation and removal from the United States. *See* 8
27 U.S.C. § 1227(a)(2). Defendant affirms that he/she has been advised of the potential
28 immigration consequences that may result from the entry of the guilty plea(s)
regardless of any immigration consequences that may result from this/these guilty plea(s),

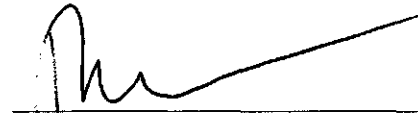
1 even if such consequences include automatic deportation and removal from the United
2 States.

3 11. Completeness of Agreement. The United States and the defendant
4 acknowledge that these terms constitute the entire Plea Agreement between the parties.
5 This Plea Agreement only binds the United States Attorney's Office for the Western
6 District of Washington. It does not bind any other United States Attorney's Office or any
7 other office or agency of the United States, or any state or local prosecutor.

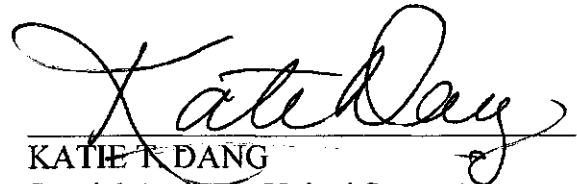
8 DATED this 16th day of May, 2014.

9
10 

11 STEVEN A. MILLER
12 Defendant

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14 

15 PHILIP I. BRENNAN, JR.
16 Attorney for Defendant

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18 

19 KATIE T. DANG
20 Special Assistant United States Attorney